

VZCZCXRO3343
PP RUEHROV
DE RUEHNR #2252/01 3021143
ZNY CCCCC ZZH
P 291143Z OCT 09
FM AMEMBASSY NAIROBI
TO RUEHC/SECSTATE WASHDC PRIORITY 1417
INFO RUCNIAD/IGAD COLLECTIVE PRIORITY
RUEHDR/AMEMBASSY DAR ES SALAAM PRIORITY 6675
RUEHLO/AMEMBASSY LONDON PRIORITY 3339
RUEHFR/AMEMBASSY PARIS PRIORITY 3175
RHEFHLC/HOMELAND SECURITY CENTER WASHDC PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 03 NAIROBI 002252

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DEPARTMENT FOR AF/E DRIANO, INL/AEE ENGLISH, DS/IP/AF,
DS/ATA

E.O. 12958: DECL: 10/28/2019
TAGS: [ASEC](#) [PGOV](#) [KCRM](#) [KCOR](#) [KJUS](#) [KE](#)
SUBJECT: MINISTER MAPS OUT POLICE REFORM AGENDA

REF: NAIROBI 1886 AND PREVIOUS

Classified By: Ambassador Michael Ranneberger, Reasons 1.4 b,d

¶1. (C) Summary: Following the removal of former Police Commissioner Ali and a major reshuffle in the senior ranks of the Kenya Police Service (see ref A), Ambassador Ranneberger, accompanied by a mission team, called on Minister of State for Internal Security and Provincial Administration George Saitoti and his senior team to hear their vision on police reform and to urge them to continue to move forward expeditiously. Saitoti stressed his determination to implement "quick fixes" that can be put in place under existing administrative authorities, as well as more fundamental reforms that will require passage of implementing legislation. Saitoti's team noted the need to change the organizational culture of their agencies as well as specific areas targeted for capacity building. The police will need a quick infusion of resources in order to implement their ambitious reform agenda. The Ambassador stressed the need for independent, credible oversight of the police and implementation of reforms. Septel will convey an action request regarding additional resources needed to support police reform. Saitoti and the Police Commissioner stressed their desire to work closely with the United States on implementation of reform. End summary.

¶2. (C) On October 22, Ambassador Ranneberger met with Minister of State for Internal Security and Provincial Administration George Saitoti to discuss the way forward on police reform following staff changes at the top of the Kenya Police Service. At the meeting, Saitoti was joined by newly appointed Police Commissioner Mathew Iteere, Administration Police Commandant Kinuthia Mbugua, and Permanent Secretary Francis Kimemia. The Ambassador was joined by the RSO and Poloff. Saitoti outlined a dual track strategy of implementing incremental changes that can be enacted under existing administrative authorities, as well as pursuing more sweeping changes that will require passage of implementing legislation in Parliament. Saitoti said that the interim administrative reforms will include the "change in leadership to spearhead reforms" which has already taken place at the top level of the KPS and personnel changes at KPS and AP headquarters and in leadership positions in the provinces; dismantling traffic roadblocks and associated bribery; increased delegation of authority and responsibility from Provincial Commissioners to senior law enforcement officials

in the field; payment of substantial allowance arrears owed to police officers; and improvements in police pay packages. More long-term improvements recommended by the Police Reform Task Force (PRTF) include the establishment of a Police Service Commission to regulate hiring, promotions, transfers, and assignments as well as mediate labor relations issues and the establishment of internal and external oversight bodies to curb abuses and corruption in the AP and KPS, Saitoti explained.

REPORT ON REFORMS EXPECTED SOON

13. (C) Saitoti expressed appreciation for the work of the Police Reform Task Force (PRTF) chaired by retired Justice Philip Ransley. The PRTF released an interim report to the Office of the President in August 2009 with some initial recommendations; the final report is expected to be released by the end of October. According to Saitoti, the PRTF's final report is expected to contain a detailed matrix of reforms and a timeline for their implementation. In order to track compliance with the matrix, Saitoti said he intends to set up a reform implementation committee within his ministry, to be headed by the new Deputy Police Commissioner in charge of reforms. Iteere echoed Saitoti's remarks, noting that he was committed to administrative actions within his agency to improve morale and, more fundamentally, to retraining thousands of officers and changing the culture of policing in Kenya. "We are committed as a service to changing the status quo," he added.

TRAFFIC ROADBLOCKS, BANE OF KENYAN MOTORISTS, DISMANTLED

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14. (C) Saitoti then turned to Iteere, who has been in the Police Commissioner's seat since September 9, to update the Ambassador on crime in Kenya. Iteere described three main categories of crime that are of most concern to the KPS: traffic violations; organized crime (including gangs and kidnappings/carjackings); and cattle rustling. Iteere acknowledged that while the KPS Traffic Division needs to enforce the rules of the road, the ubiquitous traffic stops manned by the police and often used as a means to collect on-the-spot bribes have become a major public relations disaster for the KPS. He noted that he has already dismantled most police roadblocks, especially in Nairobi and Central province where they were most prevalent, in an attempt to "bring a form of sanity to our roads." Iteere said he has already replaced all the Provincial-level traffic division heads and has also appointed a new national Commissioner of the traffic police in an effort to clean house. He added that 500 officers from other divisions are currently being retrained in traffic management in order to staff the new and improved Traffic Division.

GANG VIOLENCE A MAJOR CONCERN

15. (C) On organized crime, Iteere expressed concern about the recent upsurge in kidnappings for ransom, as well as the networked criminal activities of ethnically-based gangs such as the Mungiki (Kikuyu) and Taliban (Luo), which are the scourge of Nairobi's slum neighborhoods. (Note: The article on Nairobi kidnappings that appeared in the New York Times on October 19 brought additional publicity to the issue, intensifying pressure to take action. End note.) Iteere noted that, after intercepting some cell phone signals, the KPS had arrested four members of the gang suspected of kidnapping at least two people (the Rector of Nairobi University and a Kenyan employee of UNICEF). Seven other members of the gang were killed in shootouts with the police in the last two weeks, according to Iteere. He said police were hot on the trail of the remaining gang members.

ARMED CATTLE RUSTLING RAIDS PLAGUE NORTHERN KENYA

¶16. (C) Iteere then turned to the problem of cattle rustling, especially in upper Eastern province (bordering on Ethiopia) and the northern regions of Rift Valley province (bordering on Uganda and Sudan). Iteere bemoaned the prevalence of weapons in the wrong hands, and said that local citizens who had previously been armed by the government under its Kenya Police Reserves program, an effort to extend the long hand of the law to Kenya's remote and often semi-governed regions, were now using those arms in inter-ethnic cattle rustling raids to often lethal effect. He said that the KPS and AP are working on a plan to disarm all the ethnic communities in these regions simultaneously and then to reconstitute the Kenya Police Reserves under better government control. (Comment: Based on abuses arising from past disarmament operations, we have some serious concerns about the potential for such operations to backfire if not conducted in a fair, transparent, and restrained manner. End comment.)

CAPACITY BUILDING NEEDS

¶17. (C) Iteere highlighted several areas in which the Kenyan law enforcement community needed assistance, including: enhanced capability to trace cell phone signals and to intercept calls; improved forensic technology capacity, especially for the KPS' Criminal Investigation Division; better maritime patrol capacity; pilot and aircraft mechanic training to allow maximum utilization of air wing assets; better communication equipment for personnel manning airport watch towers; a national fingerprint database and retrieval system; and vehicles and associated surveillance technology for land border patrols. AP Commandant Mbugua stressed the need for capacity building on protection of vital installations, a key component of his agency's mandate. (Note: Mbugua received a briefing on this issue from DS/ATA during his participation in the recent International Association of Chiefs of Police conference in Colorado. End

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note.) Specifically, he requested technical assistance on developing a national vital installation protection plan.

RETRAINING, OTHER INITIATIVES UNDERWAY

¶18. (C) Both Mbugua and Iteere agreed that police-community relations are a very important aspect of successful policing, and noted the need for technical advice on public relations and community outreach. Both AP and KPS have already embarked on substantial in-service training initiatives. A temporary moratorium on new hires has freed up space at the agencies' training schools, and more than 4,000 KPS and AP officers have been recalled from the field for refresher training at their academies. Mbugua mentioned that both agencies would also welcome visiting DS/ATA experts to teach specialized courses such as crowd control, crime scene investigation, and civilian-police relations (including a human rights component). Permanent Secretary Kimemia concurred that changing the culture of Kenya's police institutions to promote respect for the rule of law and promoting positive civilian-police relations was a top priority for the entire ministry. Saitoti noted that the goal was to teach the officers being retrained that reform is good for everyone, and is not a punitive exercise "targeting" certain officers. He also said that, following the release of the PRTF's final report, the ministry plans to develop a police reform agenda document with detailed plans for implementation of the PRTF's major recommendations to share with international donors and key local stakeholders.

OUR MESSAGE ON POLICE REFORM

¶19. (C) The Ambassador emphasized the importance of credible, independent oversight of the police and full implementation of the PRTF recommendations. He also stressed the need for transparency, particularly by keeping the Kenyan people closely informed as police reform is implemented. This should include, he added, concerted outreach to civil society and

other stakeholders. The Ambassador indicated that we are committed to support reform if there is real determination and concrete steps are taken to implement the PRTF recommendations. Real police reform, he said, will send a vitally needed signal to the Kenyan people that the coalition government is moving ahead with concrete reforms to bolster the rule of law, which will in turn ensure unbiased, honest treatment of all Kenyans regardless of their political party affiliations or ethnic group.

COMMENT

¶10. (C) In public opinion surveys, the KPS frequently ranks near the bottom for corruption levels and quality of service provided. In addition to the public relations challenge of overcoming the cynicism of the Kenyan people about the police, the police services will need to show real political will to tackle accountability and corruption issues (via external and internal oversight mechanisms). Morale within the police is at a low ebb for a number of reasons, including a lack of skills and resources to execute their mandate properly. Certainly, the challenges ahead are significant. However, we were encouraged by the presence of both Iteere and Mbugua at the meeting, as the two agencies' institutional rivalries had kept their predecessors at odds, as well as by Saitoti's enthusiastic and inclusive advocacy for police reform and by the apparent improvement in morale following the removal of Commissioner Ali. We are cautiously optimistic that police reform has the potential to be at the vanguard of the reform agenda. It is clear, however, that additional rapid response resources will be needed to keep up the momentum. A detailed request for assistance will follow septel.

RANNEBERGER